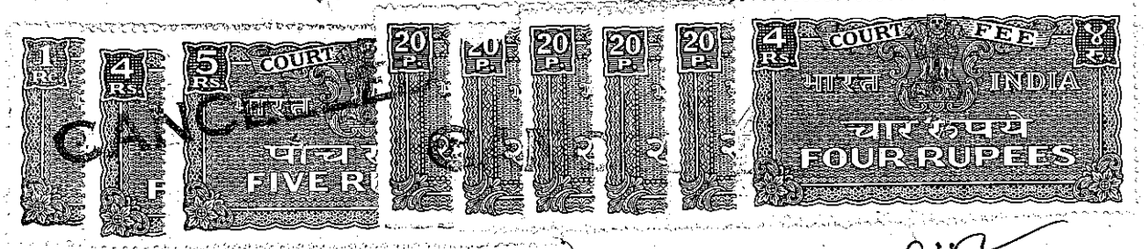

(2)

CR.18

BEFORE THE JUDICATURE OF MADHYA PRADESH AT JABALPUR.

CR.REVISION PETITION NO. 450 /2000. Single Bench (Criminal)

P.R. Tutakne,
aged about 50 yrs., S/o
Ramkrishna Tutakne,
Profession - Professor at
Govt. Model Science College,
Raipur (M.P.)
Resident of 436, Samta Colony, Raipur
P.S.Azad Chowk, Tah.& Distt.
Raipur (M.P.) ... APPLICANT
REVISIONER

Versus

Aman Singh Chandrakar, aged
about 50 yrs., Propr ietor,
Chandrakar Pustak Bhandar,
Vivekanand Ashram Complex, Raipur,
G.E.Road, P.O.Vivekanand Ashram,
P.S.Azad Chowk, Tah. & Distt.
Raipur (M.P.) ... NON-APPLICANT

CRIMINAL REVISION U/S 397 CR.P.C. 1973.

Being aggrieved by the Order dated 20.1.2000 in Criminal Revision Case No. 440/99 by the Learned Additional Sessions Judge, (Special Judge N.D.P.S.) Smt. Ranu Divekar, Raipur (M.P.)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(11)

आदेश पत्रक

Cr.R. No.450/99

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
10-4-2001.	Shri B.N.Pandey, learned counsel for the applicant. Heard. Being aggrieved by the revisional order where-under the revisional Court has rejected the order passed by the trial Court under which objection of the accused relating to non-service of the registered notices, was rejected. Submission of the learned counsel for the applicant is that from the records, it would clearly appear that the post-man went to the address of the non-applicant, but the non-applicant instead of receiving notices, avoided the service and as such, under the law a presumption must be raised that the non-applicant was legally served. It is to be seen that the report on the envelope is that the addressee was not available , whether the non-applicant manipulated or avoided the service, ought to have been proved before the trial Court, before the Court to take cognizance. In absence of positive proof that the notices were tendered or were deemingly served upon the accused, requirements of Section 138-B of the Negotiable Instruments Act, cannot be said to be	

[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

complied with. The revisional Court was justified in quashing the proceedings.

I find no reason to interfere. The petition is dismissed.

Sd/-
R.S. Garg
Judge

Subbu.